

4

City Document. — No. 71.

CITY OF BOSTON.



AN

ORDINANCE

PROVIDING FOR THE

CARE AND MANAGEMENT

OF THE

BOSTON WATER WORKS.

1869.

CITY OF BOSTON.

In Board of Aldermen, June 21, 1869.

THE Committee on Ordinances, to whom was referred the ordinance to amend the ordinance providing for the care and management of the Boston Water Works, beg leave to submit the following

REPORT:

The Committee having been authorized, by an order passed January 22, 1869, to prepare a digest of the City Ordinances, have considered it proper, in passing upon the proposed amendment, to make a careful examination of the provisions of all the ordinances upon the subject of the Water Works, with a view to striking out such portions as have become obsolete, and introducing such additional provisions as the increased duties of the department may seem to require.

Upon the recommendation of the Water Board, a great number of verbal amendments have been made; but the only important changes which the Committee present, in the ordinance herewith submitted, are those relating to the organization of the Board, and the rates to be charged for water supplied to model houses. The latter is made upon the special recommendation of the Water Board to the City Council, and has received the approval of the Joint Standing Committee on Water.

In their communication to the Government, in February last, the Board stated, that, at the time when the present tariff was established, model or tenement houses were erected only for the poorer classes of the community; but since

then many large and costly buildings have been erected, with suits of rooms adapted for all classes, and with water fixtures as complete and extensive as those in many first-class dwellings. The proposed amendment will enable the Water Board to assess a just and proper rate for the use of water in this class of houses.

The proposed change in the organization of the Board is part of a scheme for the reorganization of all Boards elected by the City Council; and is intended merely to systematize the management of the several departments of the City Government.

Under the present arrangement, the election of members for some of the Boards is made in January or February, the new members to take office immediately; and the most important matter, perhaps, on which they are called to act during the year — namely, making up the annual appropriation for carrying on the department — comes up at the very time that a change is going on in the Board. The members of other Boards are elected in February or March, to take office on the first Monday in April; and it not unfrequently happens that the Board is without any representative in either branch of the City Council during the first three months of the year.

Some of the Boards are required to make their annual reports at the end of the municipal year, others at the end of the financial year, and the report of one Board is made up for the year ending on the first of September or October. Owing to this irregularity, great difficulty is experienced in making any comparison of the statistics of the several departments from their reports.

For the purpose of introducing a general system, the Committee would recommend, that the representatives from the two branches of the City Council on the several Boards be elected in January, to enter upon their duties forthwith; that

the members at large be elected in March or April, to enter upon their duties on the first Monday in May, at which time the Board shall be organized anew; and that the annual reports be made at the end of the financial year.

Under the proposed arrangement, the Boards secure representatives in the City Council at the beginning of the year; the members at large continue in office during the financial year, and will have a deeper sense of responsibility in the expenditure of their appropriation, and a better knowledge of what is required for the department during the ensuing year. The reports will show the condition of the several departments at the same period of time, and will agree with the Auditor's report in their statement of receipts and expenses.

The other changes which the Committee have made in the accompanying ordinance are, as before stated, mainly verbal ones, which have received the approval of the City Solicitor.

The passage of the ordinance is respectfully recommended.

For the Committee,

JOHN T. BRADLEE,

Chairman.

CITY OF BOSTON.

IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

AN ORDINANCE PROVIDING FOR THE CARE AND MANAGEMENT OF THE BOSTON WATER WORKS.

Be it ordained by the Aldermen and Common Council of the City of Boston, in City Council assembled, as follows:

SECTION 1. In the month of January, in the year eighteen hundred and seventy, and annually afterwards in said month, the City Council shall elect, by concurrent vote of the two branches, one member of the Board of Aldermen and two members of the Common Council, to be members of the Cochituate Water Board, to hold office during the remainder of the municipal year in which they are elected, and until others are elected in their place, unless sooner removed. In the month of March or April, in the year eighteen hundred and seventy, and annually thereafter in March or April, there shall be elected, by concurrent vote of the two branches of the City Council, two members of the Cochituate Water Board from the citizens at large, to hold their office for two years from the first Monday in May in the year of their election, and until others are elected in their place, unless sooner removed. Said members elected from the City Council and from the citizens at large shall at all times be subject to removal from office by the City Council for cause; and vacancies from any cause may be filled at

Water Board,
how chosen,
etc.

Members may
be removed for
cause.

any time for the unexpired term in the same manner as the original appointment.

Organization of
the Board.

SECT. 2. The persons elected from the City Council shall enter upon their duties as members of said Water Board forthwith; and the persons elected from the citizens at large shall enter upon their duties on the first Monday in May. On the first Monday in May, annually, the members shall meet and organize themselves into a Board, by the choice of one of their number as President. They shall also choose a clerk, who shall not be a member of the Board; and they may make such rules and regulations for their own government, and for the government of all subordinate officers by them appointed, as they may deem expedient.

Their general
powers.

SECT. 3. The Cochituate Water Board shall have and exercise all the powers vested in the City Council by an act of the legislature of Massachusetts, passed on the thirtieth day of March, in the year eighteen hundred and forty-six, entitled an Act for supplying the city of Boston with pure water, and by any acts in addition thereto, so far as the same can be legally delegated; and they shall more especially have the power to appoint all necessary subordinate officers, agents, and assistants, and may fix their compensation, and the compensation of the clerk before mentioned; *provided*, that the same shall not exceed in the whole the sum appropriated therefor by the City Council; but all the powers mentioned in this section shall be subject to any limitations and restrictions contained in the ordinances, regulations, and orders of the City Council.

To appoint sub-
ordinate offi-
cers, etc.

To make annual
reports.

SECT. 4. The Cochituate Water Board, during the month of May, annually, shall present to the City Council a report, made up to and including the thirtieth day of the preceding April, containing a statement of the condition of all the Water Works, and of the lands and other property

connected therewith; also an account of all receipts and expenditures, together with any information or suggestions which they may deem important; and they shall, at the same time, transmit to the City Council the report of the City Engineer, and the Water Registrar, mentioned in the tenth and thirteenth sections.

Reports of City
Engineer and
Water Registrar.

SECT. 5. The Cochituate Water Board, whenever requested by the City Council, shall prepare and send to the City Council a schedule of water rates.

Schedule of
water rates.

SECT. 6. The Cochituate Water Board are authorized to sell or lease such of the property connected with the Water Works as they may deem expedient, subject to the approval of the Mayor; and all necessary deeds and leases shall be executed by the Mayor, and countersigned by the President of the Board.

Cochituate
Water Board
may sell or
lease property,
etc.

SECT. 7. All bills for expenditures by the Cochituate Water Board shall be drawn for by the President, examined by the Auditor, and approved by the Committee of Accounts, before they are paid by the Treasurer.

Bills for expen-
ditures, how
drawn, exam-
ined, etc.

SECT. 8. The President of the Cochituate Water Board shall exercise a general supervision over all the Water Works, and the materials and property connected therewith, and over all subordinate officers and agents. In case of his absence or inability, his duties may be performed by president *pro tempore*, to be chosen by the said Board.

Duties of Presi-
dent of the
Board.

SECT. 9. The City Engineer shall take charge of Lake Cochituate, the aqueducts, lands, reservoirs, and other works and property connected with the Water Works, as the Cochituate Water Board may from time to time direct; and he shall perform all such services in relation thereto as may be required of him by the Cochituate Water Board, or the City Council.

City Engineer
to have charge
of Lake, aque-
ducts, lands,
reservoirs, etc.

SECT. 10. The City Engineer, on or before the fifteenth day of April, annually, shall present to the Cochituate

To make an an-
nual report.

Water Board a report of the general condition of the Water Works, with a detailed statement of all expenditures in his department relating to the same, and such other matters as he, or the said Board, may deem expedient.

Water Registrar, how chosen, etc.

SECT. 11. There shall be elected annually on the first Monday of February, or within sixty days thereafter, by concurrent vote of the two branches of the City Council, a Water Registrar, who shall be a citizen of Boston. He shall hold his office for one year from the first Monday in April of the year in which he shall be elected, and until a successor is elected and qualified, or he is removed. He shall be removable by the City Council, who may fill any vacancy at any time for the unexpired term.

To assess water rates.

SECT. 12. The Water Registrar, under the direction and control of the Cochituate Water Board, shall assess the water rates according to the tariff established by the City Council. He shall, once in each year, personally visit, or cause to be visited, the premises of every person who takes water, and shall make out and distribute all bills for the same; and he shall exercise a constant supervision over the use of the water, and attend to the enforcement of all regulations relative thereto.

To visit premises of takers, make out bills, etc.

To make annual report.

SECT. 13. The Water Registrar, on or before the fifteenth day of April, annually, shall present to the Cochituate Water Board a report, containing a statement of the number of water-takers, the number of cases where the water has been cut off, the number and amount of abatements, the expenditures in his department, and such other matters as he, or the said Board, may deem expedient.

Water rent payable in advance on the first day of January.

SECT. 14. The annual rent for the use of the water shall be payable to the City Treasurer in advance, on the first day of January in each year. All charges for specific supplies, or for fractional parts of the year, shall be payable in advance, and before the water is let on.

SECT. 15. In all cases of non-payment of the water rent for sixty days after the same is due, the Water Registrar shall serve a summons at the premises of such delinquent; and unless said rent is paid within three days thereafter, together with twenty-five cents for said summons, the Water Registrar shall cut off the supply; and the water shall not be let on until the amount due, together with the twenty-five cents for said summons, and two dollars for the shutting off and letting on, is paid; *provided*, that no occupant shall be required to pay the amount due from a former occupant; and *provided, also*, that in cases of specific supplies, or for fractional parts of the year, when the water has been let on, the summons may be served, and the water cut off, immediately; and it shall not be let on again except upon the conditions before mentioned. The foregoing provisions shall apply when two or more parties take water through the same service-pipes, although one or more may have paid the proportion due from him or them.

Supply to be cut off in case of non-payment.

SECT. 16. The Water Registrar, under the control of the Cochituate Water Board, may make abatements in the water rents, in all proper cases.

Abatements may be made.

SECT. 17. The Water Registrar shall keep suitable books in which shall be entered the names of all persons who take the water, the kind of building, the name and number of the street, the nature of the use, the number of taps, and the amount charged, which books shall be always open to the inspection of the Cochituate Water Board and any committee of the City Council. He shall perform such other services as may be required of him by the City Council, or the Cochituate Water Board.

Water Registrar to keep books, etc.

SECT. 18. No member of the Cochituate Water Board, and no person appointed to any office, or employed, by virtue of this ordinance, or by the acts of the legislature mentioned in the third section, shall be interested, directly or

No member of the Board, or officer, to be interested in any contract, etc., in relation

to the Water
Works.

indirectly, in any contract, bargain, sale, or agreement, in relation to the Water Works, or any matter or thing connected therewith, wherein the city is interested, without an express vote of the City Council; and any and all contracts, bargains, sales, or agreements, made in violation of this section, shall be utterly void as to the city.

Penalty for
opening hy-
drants, etc.

SECT. 19. If any person shall open any hydrant within the city of Boston, or lift or remove the cover of the same, without the license of the Cochituate Water Board, or of the City Engineers or the Water Registrar, except in case of fire, he shall be liable to a penalty of not less than three dollars nor more than fifty dollars.

For opening
any pipe or
reservoir, etc.

SECT. 20. If any person shall make any opening or connection with any pipe or reservoir, without the license mentioned in the preceding section, he shall be liable to a penalty of not less than three dollars nor more than fifty dollars.

For turning on
or turning off
the water, etc.

SECT. 21. If any person shall turn on, or turn off, the water in any of the water-pipes or reservoirs, without the license mentioned in the nineteenth section, he shall be liable to a penalty of not less than three dollars nor more than fifty dollars.

For injuring
any other reser-
voir, etc.

SECT. 22. Any person who shall injure any public reservoir, or who shall break and enter the same, and draw off, or cause to be removed, any of the water therefrom, except in case of fire, or unless duly authorized by the Board of Aldermen, or Cochituate Water Board, shall forfeit and pay a sum not less than one dollar nor more than fifty dollars.

Water not to be
sold to parties
out of the city,
unless, etc.

SECT. 23. The water shall not be sold or delivered to any parties out of the limits of the city, unless by special vote of the Cochituate Water Board.

Regulations
under which the
water shall be
taken.

SECT. 24. The following regulations shall be considered a part of the contract with every person who takes the water; and every such person, by taking the water, shall

be considered to express his assent to be bound thereby. They shall be printed upon every bill for water rent; and, whenever any one of them is violated, the water shall be cut off from the building or place of such violation, although two or more parties may receive the water through the same pipe, and shall not be let on again, except by the order of the Cochituate Water Board, and on the payment of two dollars: and, in case of any such violation, the said Board shall have the right to declare any payment made for the water, by the person committing such violation, to be forfeited, and the same shall thereupon be forfeited.

The said regulations are as follows:

One. All persons taking the water shall keep the service pipes within their premises, including any area beneath the sidewalk, in good repair, and protected from frost, at their own expense; and they will be held liable for all damage which may result from their failure to do so.

Takers to keep service pipes in good repair.

Two. They shall prevent all unnecessary waste of water, and there shall be no concealment of the purposes for which it is used.

To prevent waste, and use no concealment.

Three. No alteration shall be made in any of the pipes or fixtures inserted by the city, except by persons authorized by the Cochituate Water Board, who are to be allowed to enter the premises supplied, to examine the apparatus, the quantity of water used and manner of its use, and to ascertain whether there is any unnecessary waste.

No alteration to be made, except, etc.

Four. No water is allowed to be supplied to parties not entitled to the use of it under the city ordinances, unless by special permission.

Water not to be supplied to other parties, unless, etc.

Five. The use of the hand-hose is restricted to one hour before eight of the clock in the forenoon, and one hour after sunset.

Use of hand-hose restricted.

Six. The Water Registrar may enter the premises of any Water Registrar

may enter premises to examine.

water-taker, to examine the quantity used, and the manner of use.

Waste of water, fine and penalty for.

SECT. 25. The owner or occupant of any premises in which Cochituate water is used, who fails to keep the service pipes and fixtures in good order, and neglects to repair the same within three days after they shall have become defective from any cause, shall be liable to a fine of two dollars; and, in case of neglect to shut off the water after using so that it runs to waste, said owner or occupant shall also be liable to a fine of two dollars; and, if the fine aforesaid is not paid within two days from the time when said notice is given, the water shall be cut off from the said premises, and shall not be again let on until the waste be stopped and the fine paid, together with an additional sum of two dollars for cutting off and letting on the water; and, in case of a second offence during the same year, a fine of four dollars shall be imposed, and, if not paid as before mentioned, the water shall be cut off and not again let on until the cause of complaint is removed, and the fine paid, together with two dollars for cutting off and letting on the water; and, in case of a third or subsequent offence, the water shall be cut off and shall not again be let on, except by a vote of the Cochituate Water Board, and the payment of such fine, not exceeding ten dollars, as the said Board may impose.

Hose not to be used for washing horses, carriages, etc., fine and penalty for. Ibid.

SECT. 26. No hose shall be attached or used in any stable for washing horses or carriages, or for any other purpose whatsoever, except for extinguishing fires, under a penalty of ten dollars for each offence; and, if this penalty shall be incurred and shall not be paid within two days after demand for the same shall have been made at such stable, the water shall be cut off from such stable, and shall not be let on again until said penalty shall be paid, and also the additional sum of two dollars for cutting off and letting on the water.

Water rates

SECT. 27. The following rates shall be charged annually

for the use of the Cochituate water: Every dwelling-house, including the land under, and used in connection with, the same, shall be charged, when they are valued for the assessment of taxes at \$1,000 or any less sum, and occupied by one family only, *six dollars*; and for every additional \$1,000, or fractional part thereof, *one dollar*, until the valuation for the assessment of taxes shall amount to \$25,000; and for every family more than one in a dwelling-house, the charge shall be for each *two dollars*.

In addition to the foregoing rates, there shall be charged to each dwelling-house with one family, in which a water-closet or bathing-tub is used, or in which both are used, *five dollars*; and for each family more than one, the charge shall be for each *two dollars* annually.

SECT. 28. For the use of Cochituate water in model or tenement houses, which are rented in suits of rooms to different families, the rate of charge for each such tenement shall be based upon the rental of such tenement, viz: Every tenement occupied, and having a faucet within the same, shall be charged *three dollars* annually, and *fifty cents* additional on every one hundred dollars, or fraction of one hundred dollars, rent above three hundred dollars; *provided*, that the said rate may be based upon the estimated yearly rentable value of each such tenement. In addition to the foregoing rate, there shall be charged to each tenement in which a water-closet or bathing-tub is used, or in which both are used, the sum of *five dollars* annually.

Each tenement in which there are no water fixtures, the occupants taking the water from taps in common with other tenants of the house, shall be charged *two dollars* annually; and an additional charge of *two dollars* annually shall be made to each tenement the occupants of which use a water-closet in common with other tenants.

SECT. 29. The following rates shall be charged for the

for dwelling-houses.

Rates for model houses.

Rates for offices.

use of Cochituate water in buildings occupied for offices, or by different tenants for business purposes, viz: For each office or tenement having a faucet within the same, *three dollars* annually; and for each office or tenement not having water within the same, but taking it from faucets in common with other tenants, *two dollars* annually. And in addition to these rates there shall be charged for each water-closet within the office or tenement, *three dollars* annually; and, when the water-closet is located so as to be used in common, the charge for each office or tenement shall be *two dollars*.

Rates for
hotels, etc-

SECT. 30. Hotels, taverns, and boarding-houses (said boarding-houses being valued for the assessment of taxes over \$15,000), not including water for baths or for uses without the house, shall be charged, for each bed for boarders and lodgers within the same, *three dollars*; *provided*, that in no case shall any hotel, tavern, or boarding-house, be charged less than if occupied as a private dwelling-house.

Rates for stores,
shops, etc.

SECT. 31. Each tenement occupied as a store, warehouse, office, shop, or for purposes not included in any other classification, and not requiring more than an ordinary supply of water, shall be charged from *six to twenty-five dollars*. For each water-closet more than one, supplied for the above, there shall be charged *five dollars* additional. And for each urinal, wash-hand basin or sink, more than one, *two dollars fifty cents* additional.

Rates for
stables, etc.

SECT. 32. Private stables, including water for washing carriages, shall be charged *six dollars*; and for each horse over two, the charge shall be *two dollars*. Livery stables, including water for washing carriages, shall be charged, for each horse, *two dollars*. Omnibus stables shall be charged, for each horse, *one dollar and fifty cents*. Truckmen's stables shall be charged, for each horse, *one dollar and twenty-five cents*; *provided*, that in no case shall any stable be charged less than *five dollars*.

SECT. 33. There shall be charged for the right to attach a hose, of not more than five-eighths of an inch orifice, for washing windows or sprinkling streets, in addition to the charge for other uses, *five dollars*, and for corner lots *ten dollars*. But no hose shall be attached, or used in any stable, for washing horses or carriages, or for any other purpose whatever, except for extinguishing fires.

Hose for washing windows and sprinkling streets.

SECT. 34. Refectories, confectioneries, eating-houses, market and fish stalls, provisions shops, refreshment and oyster saloons, according to the quantity of water used, shall be charged from *eight to fifty dollars*.

Refectories, eating-houses, stalls, provision shops, saloons, etc.

SECT. 35. Public baths shall be charged for each tub *five dollars*.

Baths.

SECT. 36. Every printing-office, according to the number of presses used, not including the supplying of a steam-engine, shall be charged from *six dollars to forty dollars*.

Printing-offices.

SECT. 37. Stationary steam-engines, working not over twelve hours a day, shall be charged by the horse-power, as follows: For each horse-power up to and not exceeding ten, the sum of *ten dollars*; for each exceeding ten, and not over fifteen, the sum of *eight dollars*; for each horse-power over fifteen, the sum of *six dollars*.

Steam-engines.

SECT. 38. Steamboats shall be charged, for estimated quantities of water used for boiler and domestic purposes, at the rate of *six cents per one hundred gallons*; provided however, that, in cases where meters are applied, the charge shall be *three cents per one hundred gallons*.

Steamboats.

SECT. 39. For building purposes there shall be charged for each cask of lime or cement, *seven cents*.

Building purposes.

SECT. 40. Fountains are to be supplied with water at the discretion of the Cochituate Water Board; and the charge shall be upon the estimated quantity used, namely, for each one hundred gallons daily consumption, *five dollars per annum*.

Fountains,

Bakeries.

SECT. 41. Bakeries shall be charged according to the average daily use of flour, namely, for each barrel per day, the sum of *three dollars* per annum; *provided*, that in no case shall any bakery be charged less than *six dollars*.

For manufactu-
ring and other
business,
Nov. 22, 1865.

SECT. 42. Manufacturers and other parties, supplied with water through meters or by estimated quantity, shall be charged at the rate of *three cents per one hundred gallons*.

For purposes
not specified,
how fixed,
Nov. 15, 1859.

SECT. 43. When water is required for purposes which are not specified in the foregoing tariff, the rate shall be fixed by the Cochituate Water Board.

For estates
valued together.
Ibid.

SECT. 44. Whenever two or more dwelling-houses, or other estates, are valued together for the assessment of taxes, it shall be the duty of the Water Registrar, under the direction of the Cochituate Water Board, to make a separate valuation of the same; and whenever a portion only of any estate is justly chargeable for any water rate, it shall be the duty of the Water Registrar to make a proper valuation of the said portion; and the water rates hereinbefore provided shall apply to such valuations respectively.

SECT. 45. When large quantities of water are required, as in the case of railroads, hotels, manufacturing and other establishments, the Cochituate Water Board shall have power to ascertain by meters the amount of water used; and the proprietors or occupants of hotels, taverns, boarding-houses, or any other establishment using large quantities of water, shall also have authority to place within their premises, at their own expense, a sufficient water meter, to be approved by the Water Registrar, for the purpose of measuring the quantity of water by them respectively used. The charge for the use of water by meter shall be *three cents for one hundred gallons*, to be collected quarterly by the Water Registrar; and all such bills shall be paid within ten days thereafter, or the Water Registrar shall cut off the supply after sending a summons as provided in Section 15.

SECT. 46. No charge shall be made for the right to insert a pipe of not more than one inch in diameter, at the expense of the water-taker, and to be used only in case of fire.

No charge for pipes to be used only in case of fire.

SECT. 47. Whenever application is made to the Cochituate Water Board by parties who have built, or may intend to build, upon unaccepted streets, for an extension of the water-pipes, or the use of the Cochituate water from pipes already laid, the said Board shall refuse such application, unless, upon an examination of the premises by the City Engineer, it shall be found that the street is properly graded to a level of at least eighteen feet above mean low water, and that the cellars and yards are filled with material, satisfactory to said Board, to a level of at least twelve feet above mean low water.

Pipes not to be laid in unaccepted streets, unless properly graded, July 30, 1864.

SECT. 48. The ordinance providing for the care and management of the Boston Water Works passed the thirty-first day of October, A. D. 1850, and all ordinances in addition thereto and amendatory thereof, are hereby repealed; said repeal to take effect on the first day of January, A. D. 1870.

SECT. 49. This ordinance shall take effect on the first day of January, A. D. 1870; provided, however, that the members of the Cochituate Water Board elected in the year 1868 from the citizens at large, to hold office for two years from the first Monday in April, 1868, shall continue to hold their office until the first Monday in May, 1870, and until others are elected in their place, unless sooner removed. And the members elected in the year 1869 from the citizens at large, to hold their office for two years from the first Monday in April, 1869, shall continue to hold said office until the first Monday in May, 1871, and until others are elected in their place, unless sooner removed.

Boston - assess according to valuation
of property.
Do not assess for laying of pipe
but will not lay any pipe unless
sufficient revenue is guaranteed to
pay any per cent on cost of pipe.
Cost of pipe supposed to be \$2.00
per foot.
Receive \$2800 per annum from city
for each fire plug.
Collect from all who use the
water. City bounty 7¢.
Do not receive for less than
twelve mos.
Water collected quarterly at a
uniform rate of 3 cts per 100 gal.
Do not permit the use of water
from street for street by
carts.
Put the water in as far as
wall of building.
Have no plumbers rules.
no reports from plumbers.